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Yeh *et al.*
Appl. No. 09/851,725**Remarks**

Reconsideration of this Application is respectfully requested. Upon entry of the foregoing Amendment to the Claims, claims 1-26 are pending in the application, of which claims 1, 3, 9, 11, and 17 are independent. By the foregoing Amendment, claims 1, 3, 9, 11, and 17 are sought to be amended. No new matter is embraced by this amendment and its entry is respectfully requested. Based on the above Amendment and the remarks set forth below, it is respectfully requested that the Examiner reconsider and withdraw all outstanding rejections.

Rejection under 35 U.S.C. § 103

The Examiner, on page 3 of the Office Action, has rejected claims 1-6, 9-14, and 17-20 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,269,401 to Fletcher *et al.* (hereinafter "Fletcher") in view of U.S. Patent No. 5,636,371 to Yu. Applicants respectfully traverse this rejection. Based on the remarks set forth below, Applicants respectfully request that this rejection be reconsidered and withdrawn.

With regards to independent claims 1, 3, 9, 11, and 17, the Examiner, in setting forth this rejection, has acknowledged that Fletcher does not teach or suggest "a single computer system emulating a server and a client, said [single] computer executing server code and also executing client code." However, the Examiner has taken the position, unsupported by the references of record, that Fletcher can be modified to include such limitations without affecting the performance of the Fletcher system. There is no teaching or suggestion of such a modification in Fletcher. In fact Fletcher teaches away from a single computer system emulating a server and a client because Fletcher teaches

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monitoring communication performance in a communication network comprising communication systems communicatively coupled to each other with communication equipment. *Fletcher*, Abstract; col. 3, lines 23-26; col. 3, lines 35-38; col. 6, lines 35-40. *Fletcher* teaches a client computer system and a server computer system in the communication network. *Fletcher*, col. 5, line 57 – col. 8, line 4; and FIGs. 2-4. Thus, contrary to the present invention, *Fletcher* uses separate computer systems for the client and the server.

Yu, on the other hand, does not appear to teach this feature as well. Instead, according to the sections of *Yu* cited by the Examiner, *Yu* teaches that server processes are run on a remote system. *Yu*, col. 5, lines 8-25.

Thus, neither *Fletcher* nor *Yu*, separately or in combination, teach or suggest Applicants' invention as recited in independent claims 1, 3, 9, 11, and 17. For at least the reasons stated above, claims 1, 3, 9, 11, and 17, and the claims that depend therefrom (claims 2 and 23-24, 4-8, 10 and 25-26, 12-16, and 18-22, respectively) are patentable over the cited references of *Fletcher* and *Yu*.

The Examiner, on page 6 of the Office Action, has rejected claims 7, 15, and 21 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,269,401 to *Fletcher et al.* (hereinafter "*Fletcher*") in view of U.S. Patent No. 5,636,371 to *Yu* as applied to claims 1-6, 9-14, and 17-20 above, further in view of U.S. Patent Application Publication No. 2001/0056456 to *Cota-Robles*. Applicants respectfully traverse this rejection.

Claims 7, 15, and 21 depend from independent claims 3, 11, and 17, respectively, and are patentable over *Fletcher* and *Yu* for at least the reasons stated above.

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Furthermore, Cota-Robles does not teach or suggest the features missing from Fletcher and Yu. Applicants therefore respectfully request that the Examiner reconsider and withdraw the rejection of dependent claims 7, 15, and 21.

The Examiner, on page 8 of the Office Action, has rejected claims 8, 16, and 22 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,269,401 to Fletcher *et al.* (hereinafter "Fletcher") in view of U.S. Patent No. 5,636,371 to Yu, further in view of U.S. Patent Application Publication No. 2001/0056456 to Cota-Robles. Applicants respectfully traverse this rejection.

Claims 8, 16, and 22 depend from independent claims 3, 11, and 17, respectively, and are patentable over Fletcher and Yu for at least the reasons stated above. Furthermore, Cota-Robles does not teach or suggest the features missing from Fletcher and Yu. Applicants therefore respectfully request that the Examiner reconsider and withdraw the rejection of dependent claims 8, 16, and 22.

The Examiner, on page 10 of the Office Action, has rejected claims 23-26 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,269,401 to Fletcher *et al.* (hereinafter "Fletcher") in view of U.S. Patent No. 5,636,371 to Yu, further in view of U.S. Patent Application Publication No. 2001/0056456 to Cota-Robles. Applicants respectfully traverse this rejection.

Claims 23-24 and 25-26 depend from independent claims 1 and 9, respectively, and are patentable over Fletcher and Yu for at least the reasons stated above. Furthermore, Cota-Robles does not teach or suggest the features missing from Fletcher and Yu. Applicants therefore respectfully request that the Examiner reconsider and withdraw the rejection of dependent claims 23-26.

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Appl. No. 09/851,725***Conclusion***

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all currently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Response is respectfully requested.

Respectfully submitted,

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On: <u>August 18, 2005</u>	
Signature <u>Rachael Brown</u>	Date <u>8/18/05</u>